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UNITED STATES PATENT AND TRADEMARK OFFICE

Board of Patent Appeals and Interferences

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP  
901 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20001-4413

Appeal No: 2007-1609  
 Appellant: Carlos O. Pinzon et al.  
 Application No: 09/733,900  
 Hearing Room: A  
 Hearing Docket: A  
 Hearing Date: Tuesday, October 23, 2007  
 Hearing Time: 09:00 AM  
 Location: Madison Building - East Wing  
 600 Dulany Street, 9th Floor  
 Alexandria, Virginia 22313-1450

**NOTICE OF HEARING  
 CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS**

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-272-9797.

The application involved in this appeal has been published. Accordingly, the hearing in this appeal is open to the public.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

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In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE: ☒ HEARING ATTENDANCE CONFIRMED ☐ HEARING ATTENDANCE WAIVED

*Malia D. W.*  
 Signature of Attorney/Agent/Appellant  
 (Waiver)

Date

09/26/07

Registration No.

39,064

Names of other visitors expected to accompany counsel:

For information on visitor access to hearing rooms and security procedures at the USPTO Alexandria Campus, see  
[http://www.uspto.gov/web/offices/dcom/acounsel/contact.htm#bpa\\_contacts](http://www.uspto.gov/web/offices/dcom/acounsel/contact.htm#bpa_contacts)



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Subject: Confirmation to Notice of Hearing  
(Appeal No. 2007-1609)

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### FROM

Name: Thalia V. Warnement (Reg. No. 39,064)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:

Carlos O. PINZON et al.

Application No.: 09/733,900

Filed: December 12, 2000

For: COSMETIC COMPOSITIONS  
CONTAINING HETEROPOLYMERS  
AND OIL-SOLUBLE CATIONIC  
SURFACTANTS AND METHODS OF  
USING SAME

Group Art Unit: 1615

Examiner: J. VENKAT

Confirmation No.: 5474

**Mail Stop Appeal Brief--Patents**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

**UPDATE TO STATUS OF RELATED APPEALS**

This paper is filed together with a Confirmation of Attendance at Oral Hearing and provides an update to the Related Appeals and Interferences section of the Supplemental Appeal Brief filed January 17, 2006.

Appellants previously brought to the attention of the Board, and to the Examiner during prosecution, the existence of a related appeal in application no. 09/733,899.

**Appellants now add to this disclosure four *additional* co-pending appeals.** Appeal Briefs in these four cases were filed subsequent to the filing of the Appeal Brief, Supplemental Appeal Brief, and Reply Brief in the present case, thus this information has not previously been submitted to the Board. A table listing all five related co-pending appeals is set forth below for the Board's convenience.

U.S. APPLICATION No.: 09/733,900  
ATTORNEY DOCKET No. 05725.0595-00000

APPLICATION NO.	APPEAL NO.	ATTY DOCKET NO.	STATUS
09/733,899	2007-3273	05725.0594-00000	hearing set for 10-23-07
10/182,830	none yet	05725.0795-01000	Reply Brief entered 04-26-07
09/733,896	-	05725.0806-00000	Appeal Brief filed 01-03-07, subsequently allowed, will issue 10-02-07
09/733,898	none yet	05725.0808-00000	Appeal Brief filed 01-19-07, Reply Brief filed 08-10-07, entered 09-19-07
10/312,083	none yet	05725.1187-00000	Notice of Appeal and Appeal Brief filed 07-18-07, revised Appeal Brief filed 08-24-07

Application No. 09/733,896 is technically no longer a co-pending appeal: an Appeal Brief was filed on January 3, 2007, but the case was subsequently allowed on May 24, 2007. However, it is included herein for the sake of completeness, since it was cited in all the other cases listed in the above table. The other three applications newly added to the list above relate to subject matter as set forth below.

Application No. 10/182,830 is directed to compositions comprising polymers of formula (I) and at least one organic solid substance having a melting point of about 45°C or greater or at least one silica.

Application No. 09/733,898 is directed to compositions comprising polyamide polymers and at least one oil-soluble ester comprising at least one free hydroxy group, with the proviso that the at least one oil-soluble ester is not castor oil; wherein the at least one oil-soluble ester is present in the composition in an effective amount to increase at least one of stability and gelling efficiency.

U.S. APPLICATION No.: 09/733,900  
ATTORNEY DOCKET No. 05725.0595-00000

Application No. 10/312,083 is directed to cosmetic composition comprising an emulsion comprising an aqueous phase and a non-aqueous phase, wherein the non-aqueous phase is gelled with at least one non-siloxane based polyamide and at least one alkylene-oxide-containing emulsion stabilizer, wherein the composition further comprises a color component present in an amount ranging from 0.5% to 30% by weight of the composition.

Although application nos. 09/733,899, 10/182,830, 09/733,898, and 10/312,083 are not directly related to the present application, Appellant brings those applications and their status to the Board's attention in the interest of full disclosure.

Appellants, Appellants' undersigned legal representative, and the assignee know of no other appeals, interferences, or other proceedings that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

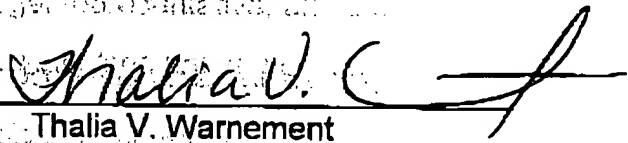
If there are any fees due which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: September 26, 2007

By:

  
Thalia V. Warnement  
Reg. No. 39,064

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